

June 19, 2007 CPC



SUBSTANTIAL ACCORD REVIEW

07PD0379

Clearwire US LLC

Dale Magisterial District
5419 Newbys Bridge Road

REQUEST: Confirmation of the decision of the Director of Planning that the proposed public facility (communications tower) is consistent with the Comprehensive Plan and exempted from the requirement of full substantial accord review.

PROPOSED LAND USE:

A communications tower, incorporated into an existing electrical transmission structure, and associated improvements are planned.

DIRECTOR'S DETERMINATION

The Director of Planning finds the request to be in substantial accord with the provisions of the adopted Comprehensive Plan for the following reasons:

- A. The proposal conforms to the Public Facilities Plan and Tower Siting Policy.
- B. The Ordinance minimizes the possibility of any adverse impact on the County Communications System or the County Airport.

GENERAL INFORMATION

Location:

East line of Newbys Bridge Road, north of Cogbill Road and better known as 5419 Newbys Bridge Road. Tax ID 758-681-8041.

Existing Zoning:

A

Size:

5.6 acres

Existing Land Use:

Dominion Power transmission line and single family residential

Adjacent Zoning and Land Use:

North and South – R-15; Single family residential or vacant

East - R-12; Single family residential, electric transmission lines

West - A; Single family residential, electric transmission lines or vacant

UTILITIES; PUBLIC FACILITIES; AND TRANSPORTATION

The proposed use will have no impact on these facilities.

ENVIRONMENTAL

Drainage and Erosion:

If more than 2,500 square feet of land is disturbed, a land disturbance permit must be obtained from the Department of Environmental Engineering.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to construction of the communications tower. Once the tower is in operation, if interference occurs, the owner/developer will be required to correct any problems.

COUNTY AIRPORT

A preliminary review of this proposal indicates that, given the approximate location and elevation of the proposed installation, there will be no adverse affect on the County Airport.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that energy and communications uses should be co-located, whenever feasible, to minimize impacts on existing and future areas of development.

Area Development Trends:

Surrounding properties are zoned residential and agricultural and are occupied by residential uses, Dominion Power transmission lines or are vacant. It is anticipated that residential uses will continue in the area, as suggested by the Plan.

Development Standards:

The Zoning Ordinance allows communications towers with Residential (R-7) Districts provided that antennae are co-located on electric transmission structures; flush-mounted; restricted to a maximum height of twenty (20) feet above the height of the transmission structure; and gray or other neutral color.

CONCLUSIONS

The proposed communications tower satisfies the criteria of location, character and extent as specified in the Code of Virginia. Specifically, the Public Facilities Plan suggests that communications towers should be located to minimize the impact on existing or planned areas of development and that energy and communications facilities should co-locate whenever feasible. The communications tower will be incorporated into an existing permitted electrical transmission structure. The addition of the communications facilities into the structure of the existing transmission tower does not generate a visual impact that is significantly greater than the visual impact of the existing electrical transmission tower. This co-location will eliminate the need for an additional freestanding communications tower in the area, thereby minimizing tower proliferation. In addition, the Ordinance minimizes the possibility of any adverse impact on the County Communications System or the County Airport.

Given these considerations, the Director of Planning finds the proposal consistent with the adopted Comprehensive Plan. Staff requests that the Commission confirm this decision.

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